

**COLUMBUS PLAN COMMISSION MEETING
JUNE 1ST 2005 AT 4:00 P.M.
CITY COUNCIL CHAMBERS, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: Dave Fisher (President), Jack Heaton, Pat Zeigler, Tom King, Steve Ruble, Rick Colgazier, Dave Bonnell, and Tom Finke, (County Plan Commission Liaison).

Members Absent: John Hatter, Rob Kittle, John DeLap and Joan Tupin-Crites.

Staff Present: Jeff Bergman, Laura Thayer, Sondra Bohn, Heather Pope, Marcus Hurley, Thom Weintraut, and Alan Whitted (Deputy City Attorney).

CONSENT AGENDA

Minutes of the May 4, 2005 meeting.

Mr. Fisher identified four minor corrections and clarifications to be made in the minutes. Motion: Mr. Heaton made a motion to approve the minutes with corrections. Mr. Ruble seconded the motion and it carried unanimously by voice vote.

OLD BUSINESS REQUIRING COMMISSION ACTION

SU-05-07: Clifford Fire Department – is a request by the Clifford Fire Department, Inc. to rezone approximately 1.4 acres in from AG (Agriculture) to SU-11 (Public Buildings and Uses). The property is located on the southwest corner of Depot Street and Mohr Street in Flat Rock Township.

Ms. Pope presented the staff report on this request.

Mr. Rik Sanders with E.R. Gray & Associates and Ed Stone, Chief Clifford Fire Department, Inc. represented the petitioners.

Mr. Sanders stated that they had met with the Planning Department and most of the issues have been resolved. He stated this was an unusual situation as the parcel is located in both the Town of Clifford and the City of Columbus jurisdiction. He stated that an Administrative Subdivision would be prepared to vacant the lot lines and create one parcel. Mr. Sanders stated they would place a note on the site plan that would be signed and recorded by the owners concerning the City of Columbus's zoning jurisdiction on the property. Mr. Sanders stated the parking spaces that front on the access easement could be eliminated if that would be required.

Mr. Stone stated that it would not be possible for them hook-up to Eastern Bartholomew Water as the service would not be suitable for the fire station. The present location has a well site that pumps water into the tanker trucks and they would like to continue that practice. Mr. Fisher asked if the Fire Department would be willing to work out a landscape plan that would be suitable and meet the criteria. Mr. Stone stated that a member of the Department has a relative that would prepare a professional landscape plan that would meet the requirements of the landscape ordinance.

Mr. Ruble asked if the water service inside the proposed building would be from the new well. Mr. Stone stated yes.

Mr. Fisher opened the meeting to the public.

There was no one to speak for or against this request.

Mr. Fisher closed the meeting to the public.

Mr. Stone stated that they needed to get approval for the project, as they would be purchasing a fire engine from the City of Columbus and it would not fit in the old station.

Mr. Fisher asked Ms. Pope if adequate parking would be provided if the three spaces on the east side of the building were deleted. Ms. Pope stated that 13 parking spaces are required and that the existing three spaces could be moved to the west side of the building.

Ms. Pope stated that they have been approved for a commercial septic system on the west side of the property by the local and state Health Departments.

Mr. Finke asked if the jurisdiction lines would physically change with this request. Mr. Bergman stated no. He stated that a note would be attached to the site plan ensuring consistency for the entire site regardless of whether it is in Columbus or The Town of Clifford jurisdiction and that this entire property will be developed according to Columbus standards.

Mr. Fisher asked who owns the parcel where the Fire Department will be built. Mr. Stone stated his brother owns the property and it will be donated to the Fire Department.

Mr. Bergman stated staff would recommend approval as the request is consistent with the Columbus Zoning Ordinance subject to the following conditions: (1) The written commitment provided on the site plan indicating the compliance of the entire site with the Columbus Zoning Ordinance will be signed, (2) The parking area will be re-designed such that (a) no parking spaces require vehicles to back into the proposed private access easement and (b) no parking spaces will be located immediately adjacent to the private access easement; (3) A minimum number of "landscaping points" consistent with the Columbus Zoning Ordinance shall be provided, with landscaping arranged with the intent to screen the residences to the northwest of the fire station site; (4) The submittal shall be revised to include all relevant information (including landscaping, signs, and lighting) on a single sheet or set of sheets for ease of reference and recording; (5) The private access easement shall be located on the adjacent parent tract remainder, rather than the fire station lot; and (6) A letter shall be provided from the Clifford Fire Department stating the technical reasons for the use of a well rather than the Eastern Bartholomew Water Corporation service. Also, an administrative subdivision creating the lot for this project must be completed prior to the issuance of a Certificate of Zoning Compliance.

Ms. Zeigler made a motion to forward this request to the City Council with a favorable recommendation subject to the following conditions: (1) The written commitment provided on the site plan indicating the compliance of the entire site with the Columbus Zoning Ordinance will be signed, (2) The parking area will be re-designed such that (a) no parking spaces require vehicles to back into the proposed private access easement and (b) no parking spaces will be located immediately adjacent to the private access easement; (3) A minimum number of "landscaping points" consistent with the Columbus Zoning Ordinance shall be provided,

with landscaping arranged with the intent to screen the residences to the northwest of the fire station site; (4) The submittal shall be revised to include all relevant information (including landscaping, signs, and lighting) on a single sheet or set of sheets for ease of reference and recording);(5) The private access easement shall be located on the adjacent parent tract remainder, rather than the fire station lot and (6) A letter shall be provided from the Clifford Fire Department stating the technical reasons for the use of a well rather than the Eastern Bartholomew Water Corporation service. Also, an administrative subdivision creating the lot for this project must be completed prior to the Issuance of a Certificate of Zoning Compliance. Mr. Heaton seconded the motion and it carried with a vote of 7-0.

ANX-05-01: Beulah M. Kamman Trust, – is a request by Kamman Farms to annex to the City of Columbus an area of approximately 110.48 acres, located at the west end of the reserved right-of-way for Brian Drive (off Indianapolis Road) and on the west side of Indianapolis Road approximately ¼ mile south of Brian Drive in Columbus Township.

RZ-05-06: Beulah M. Kamman Trust, – is a request by Kamman Farms to rezone approximately 79.54 acres from R-2 (Single Family Residential) to I-2 (Medium Industrial) and approximately 30.94 acres from R-2 (Single Family Residential) to I-1 (Light Industrial). The property is generally located at the west end of the reserved right-of-way for Brian Drive (off Indianapolis Road) and on the west side of Indianapolis Road approximately ¼ mile south of Brian Drive in Columbus Township.

Ms. Thayer presented the staff report on these requests.

Mr. Rick Sanders with E.R Gray & Associates and Dean Kamman represented the petitioners.

Mr. Sanders stated that most of the issues that were discussed at the last meeting have been resolved. He stated there was a letter of agreement between Mr. Kamman and Mr. Arnholt to transfer a small parcel of land so that it is now included with the two larger tracts. Mr. Sanders stated that they had looked at the rezoning and the recommendations by the staff with the commitments and are in agreement with the use restrictions that are proposed.

Mr. Fisher opened the meeting to the public.

Mr. Bruce Beecher expressed concerns about flooding on his property and the easement that goes across the west end of his property. He stated he would like to see that vacated if this is approved.

Mr. Bergman stated that this easement was for farm purposes only. Mr. Kamman stated that the easement is used to access the field in the back for agricultural purposes. Mr. Bergman stated that if it is several years before the property is developed for industrial use this easement would be needed to access the property for farming. He stated that vacating the easement at this time would not be practical. Mr. Bergman stated that the chance of the easement for anything other agricultural is remote. He stated that staff does not have a problem with the easement remaining and would not recommend vacating it at this time.

Mr. Fisher asked if Mr. Beecher had any recourse if he felt the easement was being used improperly.

Mr. Whitted stated that Mr. Beecher would have a legal right to enforce any impositions on his property. He stated that it could not be expanded above what has been granted by earlier title

to the property. He stated that if Mr. Beecher thought it was being used for something other than what was granted then he would need to need to file a lawsuit to stop the expansion.

Mr. Fisher asked if Mr. Beecher would have an opportunity to express his concerns about the flooding if the property is developed in the future.

Mr. Bergman stated that if the property were subdivided, there would be a public hearing and at that time, he would receive a notice. Mr. Beecher would then have an opportunity to come before the Plan Commission and express his concerns.

Mr. Fisher closed the public hearing.

Mr. Bergman stated that there are a number of considerations for annexation. Most of those are intended for the City Council's decision and are relevant for the Plan Commission decision purposes. Staff would recommend sending a favorable recommendation to the City Council regarding the annexation to the City of Columbus.

Mr. Bonnell made a motion to send this annexation to the City Council with a favorable recommendation. Mr. King seconded the motion and it carried with a vote 7-0.

Mr. Bergman stated that Staff would recommend sending a favorable recommendation of the City Council and the following conditions be a part of this rezoning request: (1) The 0.03 acre parcel located between the two other parcels subject to the re-zoning request shall be added to one of the other parcels through the administrative subdivision process and maintained as a part of the resulting larger parcel. This 0.03 acre area shall provide an easement allowing access between the parcels to its north and south; (2) Site and drainage designs for any subdivision and/or development of the property shall incorporate and preserve, to the greatest extend possible, the wooded area located at the southeast corner of the west parcel. This wooded area may be used for streets, drives, and other infrastructure, but should not be cleared for the purposes of parking or building locations; (3) A lighting plan with a photometric layout shall be provided at the time any portion of the property is developed. At no point shall the amount of illumination projecting onto any adjacent parcel, lot, or development site exceed 0.1 foot-candles; (4) All outdoor storage of materials and/or products shall be completely enclosed within a 100 percent opaque screen. All other storage shall occur within enclosed buildings; (5) The subdivider/developer of the west parcel shall improve the reserve right-of-way for Brian Drive to Collector street standards at the time the property is subdivided/developed; (6) The design of the area shall include a Collector street system that (a) extends from the western end of Brian Drive south through the west parcel, east through the 0.03 acre area referenced in item #1 above and the east parcel, terminating at Indianapolis Road; (b) provide at least 100 feet of frontage for the parcel south of the west parcel; (c) provide a stub street terminating at the west property line of the west parcel; and (d) provide for access to this street system by other adjoining properties. This Collector street system shall be constructed by the subdivider/developer at the time the property is subdivided or developed; and (7) The portion of the property-zoned I-2 shall exclude the following uses:

- a. Bakery, secondary food processing, milk processing, manufacture and bottling of dairy products and beverages;
- b. Trucking and railroad terminals;
- c. Cannery, bottling, processing and packaging of food and beverages, granaries, grain processing, and starch manufacturing; and
- d. Processing and milling of forest products.

Mr. Bonnell made a motion to forward this request for rezoning to the City Council with a favorable recommendation subject to the following conditions: (1) The 0.03 acre parcel located between the two other parcels subject to the re-zoning request shall be added to one of the other parcels through the administrative subdivision process and maintained as a part of the resulting larger parcel. This 0.03 acre area shall provide an easement allowing access between the parcels to its north and south; (2) Site and drainage designs for any subdivision and/or development of the property shall incorporate and preserve, to the greatest extent possible, the wooded area located at the southeast corner of the west parcel. This wooded area may be used for streets, drives, and other infrastructure, but should not be cleared for the purposes of parking or building locations; (3) A lighting plan with a photometric layout shall be provided at the time any portion of the property is developed. At no point shall the amount of illumination projecting onto any adjacent parcel, lot, or development site exceed 0.1 foot-candles; (4) All outdoor storage of materials and/or products shall be completely enclosed within a 100 percent opaque screen. All other storage shall occur within enclosed buildings; (5) The subdivider/developer of the west parcel shall improve the reserve right-of-way for Brian Drive to Collector street standards at the time the property is subdivided/developed; (6) The design of the area shall include a Collector street system that (a) extends from the western end of Brian Drive south through the west parcel, east through the 0.03 acre area referenced in item #1 above and the east parcel, terminating at Indianapolis Road; (b) provide at least 100 feet of frontage for the parcel south of the west parcel; (c) provide a stub street terminating at the west property line of the west parcel; and (d) provide for access to this street system by other adjoining properties. This Collector street system shall be constructed by the subdivider/developer at the time the property is subdivided or developed; and (7) The portion of the property-zoned I-2 shall exclude the following uses:

- a. Bakery, secondary food processing, milk processing, manufacture and bottling of dairy products and beverages;
- b. Trucking and railroad terminals;
- c. Cannery, bottling, processing and packaging of food and beverages, granaries, grain processing, and starch manufacturing; and
- d. Processing and milling of forest products.

Ms. Zeigler seconded the motion and it carried with a vote of 7-0.

NEW BUSINESS REQUIRING COMMISSION ACTION

PUDF-05-02 Wal-Mart Super Center – is a request by Wal-Mart Real Estate Business Trust to approve a Detailed Final PUD Plan, for a property of approximately 20.02 acres (Lots 3A and 3B in Columbus Crossing Subdivision), currently zoned PUD, to construct a 203,819 square foot super center, associated parking, landscaping, lighting, other infrastructure. The property is located on the southeast corner of Merchants Mile and Carr Hill Road, Columbus, IN.

Mr. Fisher read a letter from Jeffrey C. Rocker, attorney stating Wal-Mart is requesting a continuance of this request to the July 2005 meeting of the Plan Commission.

Ms. Zeigler made a motion to approve the continuance to the July, 2005 meeting. Mr. Bonnell seconded the motion and it carried with a vote of 7-0.

DISCUSSION ITEMS

REPORTS & RECOMMENDATIONS

DIRECTOR'S REPORT

Mr. Bergman gave an update on the requests that had been forwarded to the City Council. Mr. Bergman advised the members not to discuss the Home Marketing Specialists request with anyone for thirty days. Ms. McCormick, the applicant, had stated she might file a lawsuit against the Plan Commission.

Mr. Bergman stated that the Commissioner's Connection included articles that had been obtained at the National APA Conference.

LIAISON REPORTS

Written reports were received and discussed.

ADJOURNMENT: 5:10 P.M.

David L. Fisher, President

Steven T. Ruble, Secretary